

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DENIAL

UP 19-304 (Royal Bee)
Erez Chen, Business Owner
Location: Dolores 4 SE Ocean
Block: 76, Lots: 12
APN: 010-156-017

PROJECT DESCRIPTION:

Consideration of a Use Permit (UP 19-304) to allow for the establishment of a Cosmetic Store, Royal Bee, located on Dolores 4 SE Ocean in the Central Commercial (CC) Zoning District.

FINDINGS OF FACT:

1. The project site is located in a 500 square foot commercial space on Dolores 4 SE 7th in the Central Commercial (CC) Zoning District).
2. On February 27, 2019, the applicant submitted a business license application for a retail store that included the sale of candles, soaps, cosmetics, consumable honey, kitchenware, and "Royal Bee concept related items."
3. During the review process, the applicant submitted materials indicating that cosmetics would be only a small percentage of the items sold and would not operate primarily as a cosmetic store, and as such, staff classified the business as a specialty theme store which is permitted by right.
4. Upon opening for business, staff has determined that the business is operating primarily as a cosmetic store, which is inconsistent with the project description and business license conditions of approval.
5. The business owner was directed to apply for a conditional use permit in accordance with CMC 17.14.030.
6. The Planning Commission denied the Conditional Use Permit (UP 19-304) application at the August 14, 2019 meeting.
7. The business owner submitted an Appeal (APP 19-348) application on August 22, 2019.
8. Pursuant to Section 15270 (Projects Which Are Disapproved) of the California Environmental Quality Act (CEQA), CEQA does not apply to projects which a public agency rejects or disapproves.

FINDINGS FOR DECISION:

General Findings Required for All Use Permits (CMC 17.64.010):

Use Permit Application UP 19-304 fails to meet Findings: 3, 4, 5 and 7

1. The proposed use is not in conflict with the City's General Plan.
2. The proposed use will comply with all zoning standards applicable to the use and zoning district.
3. The granting of the Use Permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.

Evidence: The proposed cosmetic store, with its associated doorway pedaling and sidewalk encroachment, sets a precedent for approval of similar uses, whose incremental effect will be detrimental to the City. For this reason, Finding #3 cannot be made.

4. The proposed project will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, street capacity and fire protection.

Evidence: The activity of pedaling from the doorway and encroaching onto the sidewalk, which is a common business practice of cosmetic stores, requires continued enforcement and monitoring and makes excessive demands City's Code Compliance Department. For this reason, Finding #4 cannot be made.

5. The proposed project will not be injurious to public health, safety or welfare.

Evidence: Over the past several years the City has received numerous complaints from the public about the cosmetic stores pedaling from the doorway and sidewalk area. This activity disrupts pedestrian flow and is harmful to public welfare. For this reason, Finding #5 cannot be made.

6. The proposed project will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.
7. The proposed project will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.

Evidence: Over the past several years the City has received numerous complaints from business owners adjacent to cosmetic stores, about the adverse impacts of pedaling

from the doorway and sidewalk area to their businesses. This activity has an adverse impact on the welfare of neighboring properties and business uses. For this reason, Finding #7 cannot be made.

General Findings Required for Commercial Use Permits (CMC 17.64.020):

8. The proposed use will not conflict with the City's goal of achieving and maintaining a balanced mix of uses that serve the needs of both local and nonlocal populations.
9. The proposed use will provide adequate ingress and egress to and from the proposed location.
10. The capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.